

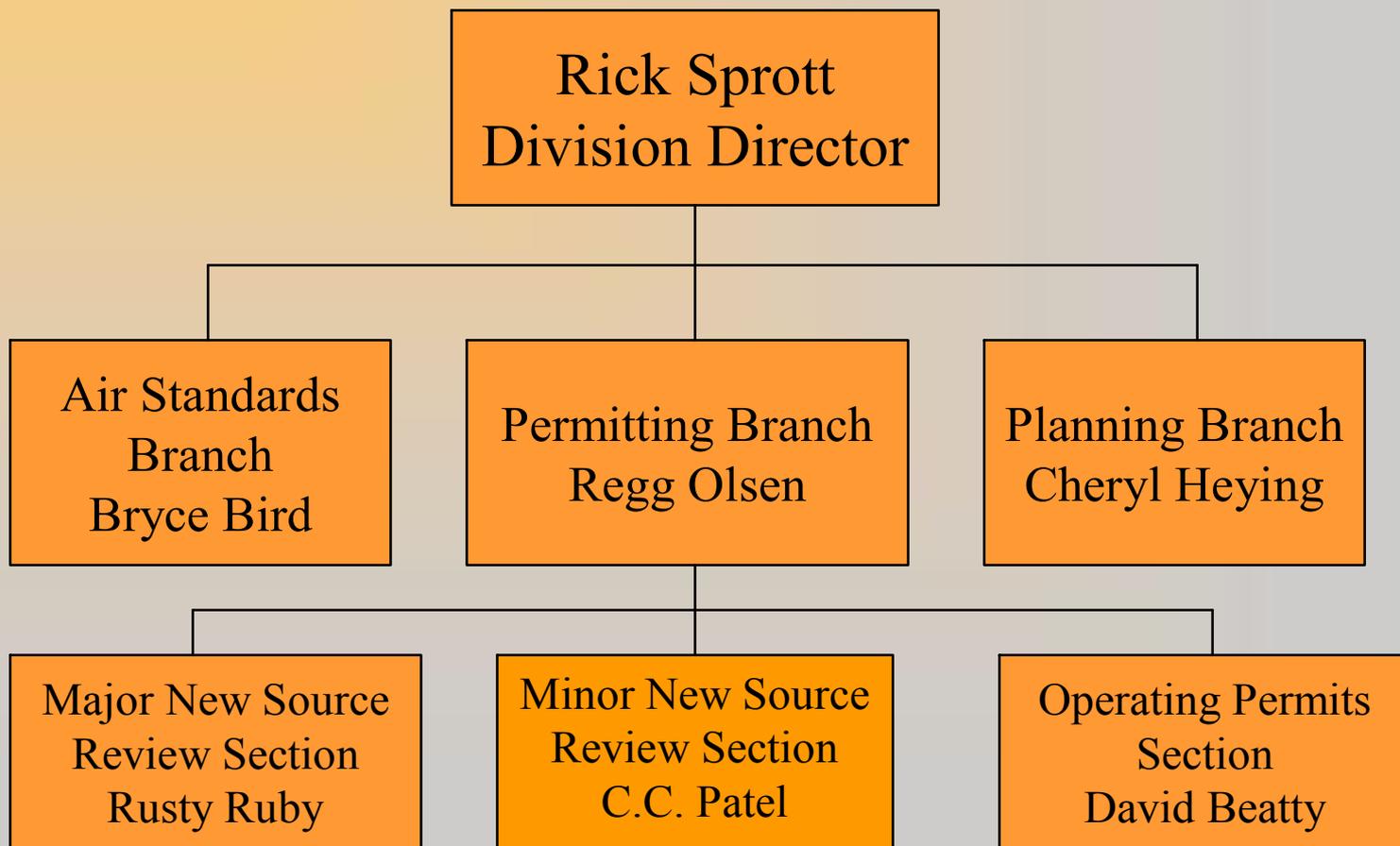


# *Permitting in Utah*

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# *DAQ Organization*

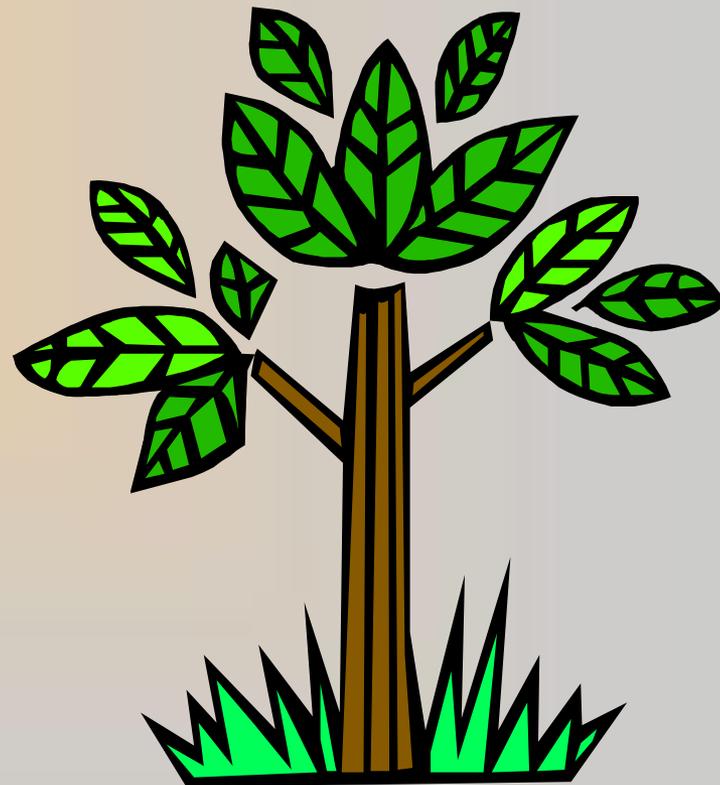




# *Presentation Outline*

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- ☞ Clean Air Act History  
(Brief)
- ☞ SBAP
- ☞ Title V Permitting
- ☞ NSR Permitting
  - ✓ PSD Permitting
  - ✓ Non-Attainment Permitting
  - ✓ Minor Source Permitting





# *History of CAA*

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- ☞ 1955 Air Pollution Control Act
- ☞ 1963 Clean Air Act
- ☞ 1970 Established Nat'l Ambient Air Quality Standards (NAAQS), NSPS & NESHAP
- ☞ 1977 Non-Attainment & Prevention of Significant Deterioration (NSR Program)
- ☞ 1990 CAA Amendments



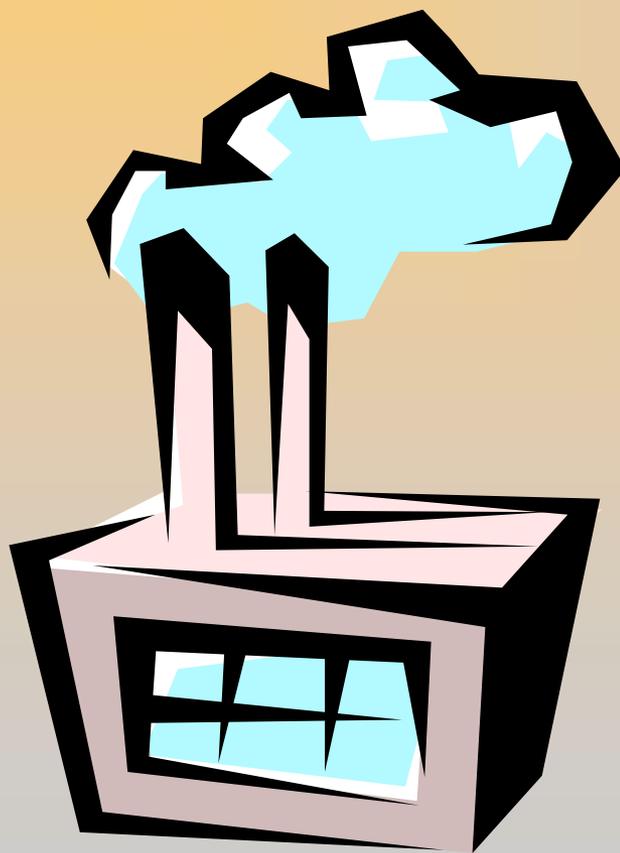
# *Clean Air Act of 1990*

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- ☞ Title I - (NAAQS, PSD, NAA, Toxics)
- ☞ Title II - Mobile Sources
- ☞ Title III - General
- ☞ Title IV - Acid Rain
- ☞ Title V - Operating Permits
- ☞ Title VI - Stratospheric Ozone
- ☞ Title VII - Enforcement



# NAAQS



☞ PM10

☞ SO<sub>2</sub>

☞ NO<sub>2</sub>

☞ Ozone

☞ CO

☞ Pb



# *Clean Air Act of 1990*

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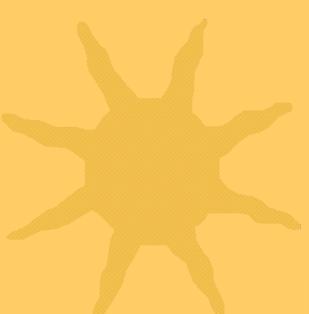
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- ☞ Title V - Operating Permits
- ☞ Title VI - Stratospheric Ozone
- ☞ Title VII - Enforcement



# *SMALL BUSINESS ASSISTANCE PROGRAM*

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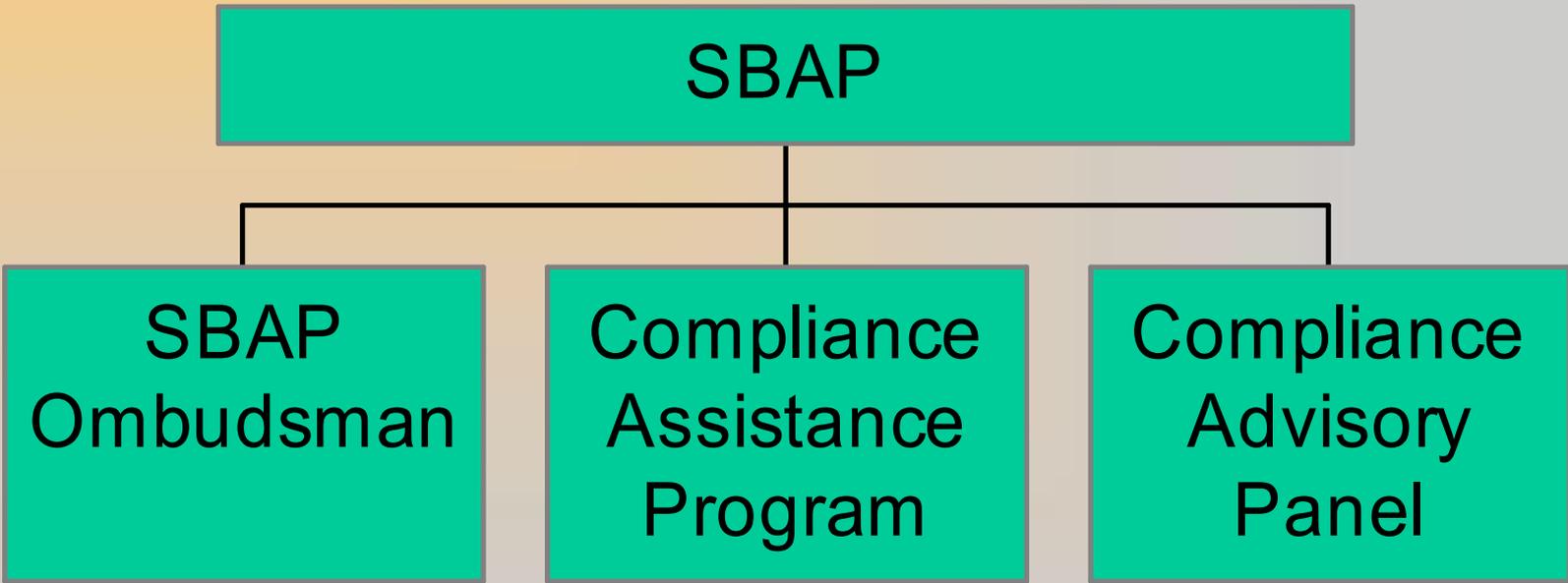
- ★ OUTLINED IN CAA
- ★ HELPS SMALL BUSINESSES WITH IMPLEMENTATION OF CAA





# *Small Business Assistance Program*

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# *Small Business Stationary Source*

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- ★ Small Business as defined by SBA
- ★ Owned/Operated with less than 100 people
- ★ Not a major stationary source
- ★ Does not emit over 50 tpy of any pollutant
- ★ Emits less than 75 tpy of all pollutants



# *Compliance Advisory Panel*

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- ★ Authorized by CAA §507(e)
- ★ Outlines membership
- ★ Defines role and purpose of panel
  - Render advisory opinions on effectiveness of program & degree/severity of enforcement
  - Make periodic reports to EPA
  - Review outreach type materials to assure layperson can understand



# *PERMITTING PROCESSES*

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# *Air Permits*

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☞ Two types of permits in Utah

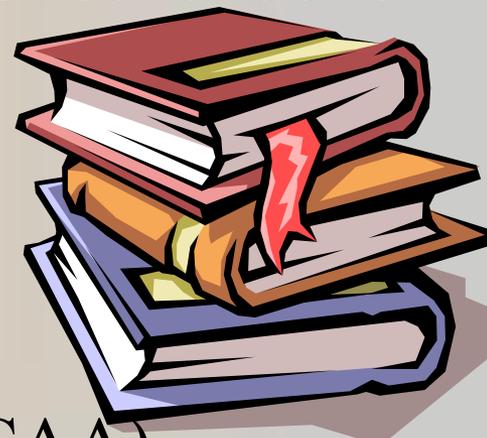
✓ Approval Orders (AO) – NSR or construction permits (Title I of CAA)

➤ PSD

➤ Major or Non-Attainment NSR

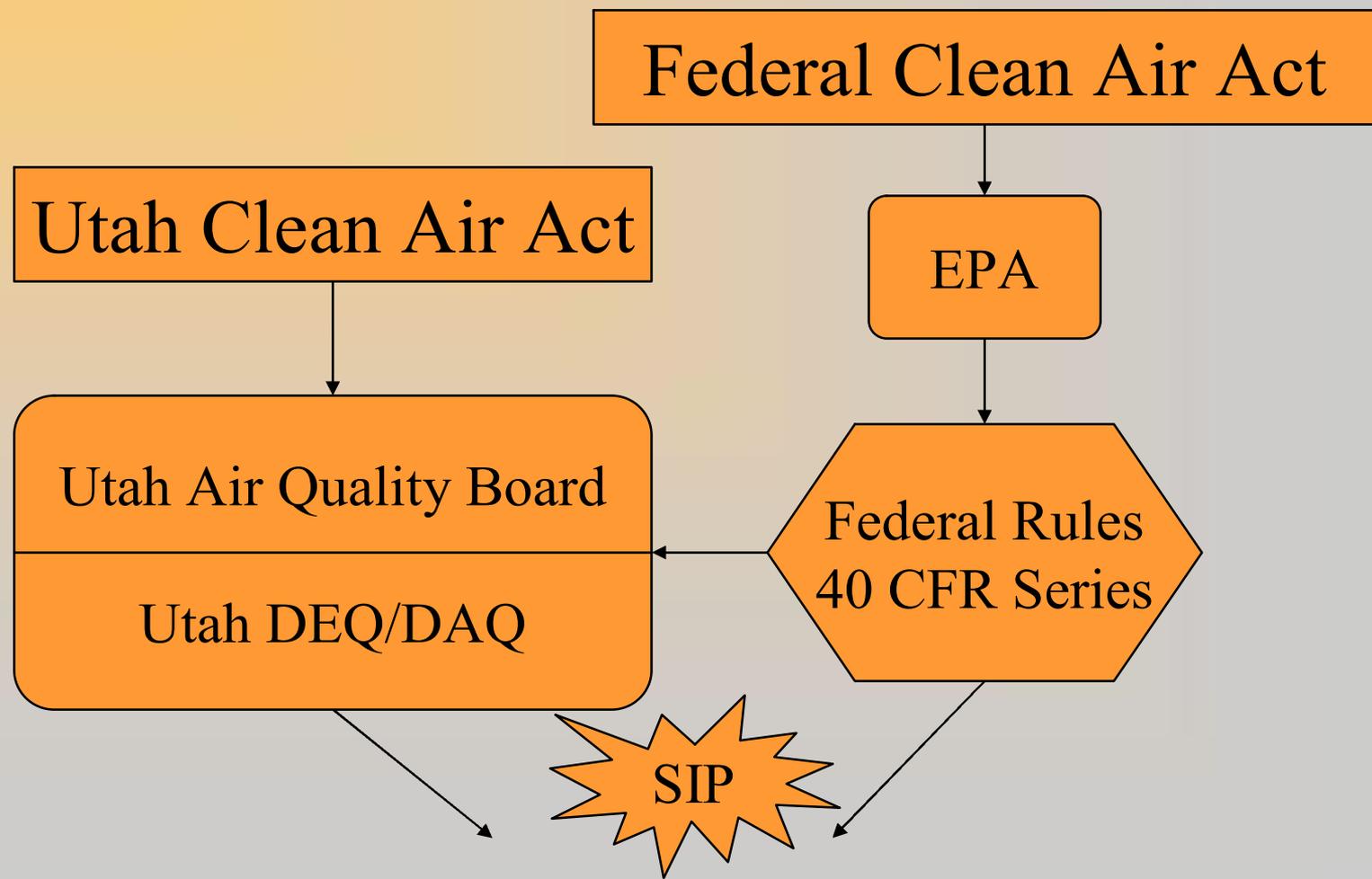
➤ Minor NSR

✓ Operating Permits (Title V of CAA)



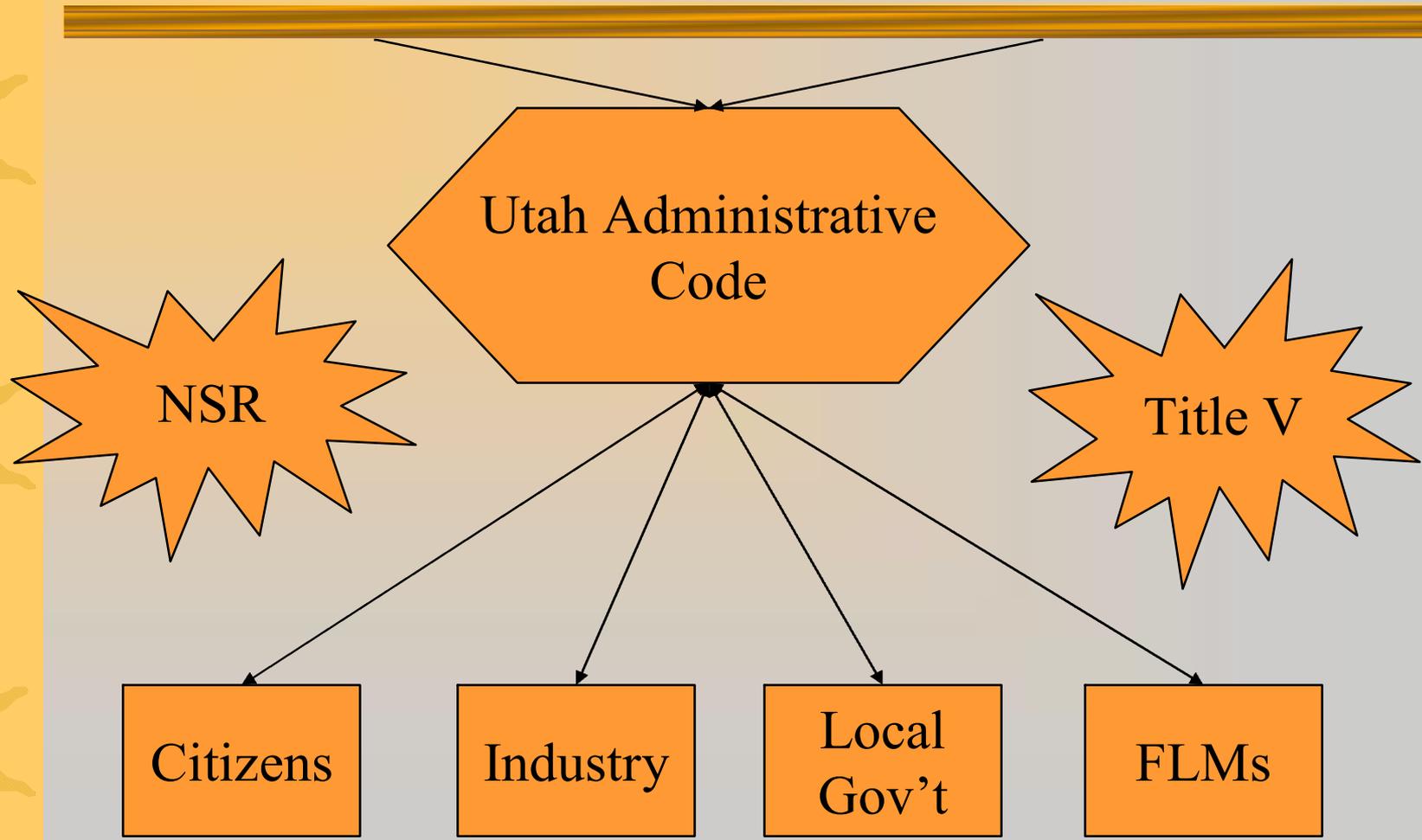


# *Laws and Rules of Permitting*





# *Laws and Rules of Permitting (cont'd)*





# *Title V Operating Permits in Utah*

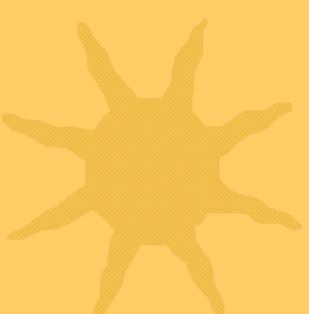
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## *TITLE V – OPERATING PERMITS*

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- ★ Deals with major sources ( $> 100$  tpy)
- ★ Fee based program (\$\$ per ton emitted)
- ★ SBAP funded from fee money





# *OPS Fee*

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- ☞ CAA mandates program be self supporting
- ☞ Program cost is approx \$2.9M per year with 34 FTEs (in most div. Sections)
- ☞ Simple method (cost ÷ tons of emissions)
  - ✓ Emissions decrease but sources don't – workload remains same but fee increases
- ☞ Fee proposed by AQB and then goes to Legislature each year
- ☞ Approved fee for FY06 is \$39.94/ton



# *Title V Program Effort*

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- ☞ 129 apps rec'd
  - ✓ 32 cancelled
  - ✓ 97 active
- ☞ 85 permits issued
- ☞ 9 permits remaining
  - ✓ SIP conflict (impacts 9 permits)





# *Title V Operating Permit Program*

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- ☞ Consolidate requirements
- ☞ Greater certainty for sources
- ☞ An enforcement tool
- ☞ Five year term
- ☞ Public/EPA involvement



# *Title V Operating Permit Program (Cont'd)*

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- ☞ No new applicable requirements
- ☞ Monitoring, Recordkeeping, and Reporting
- ☞ Compliance certification





# *New Source Review in Utah*

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# *Annual Program Effort*

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- ☞ 471 Permitting documents in FY03
- ☞ 326 Approval Orders issued
- ☞ 145 Other misc documents
  - ✓ Sales tax exemptions
  - ✓ Name changes
  - ✓ Emissions banking actions
  - ✓ etc





# *Funding NSR Program*

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- ☞ Total Program Cost is ~ \$1.1M
- ☞ Charge permittees for direct permit effort (\$70/hr)
  - ✓ Accounts for \$750K to \$900K per year
- ☞ 105 Grant makes up difference



# *New Source Review*

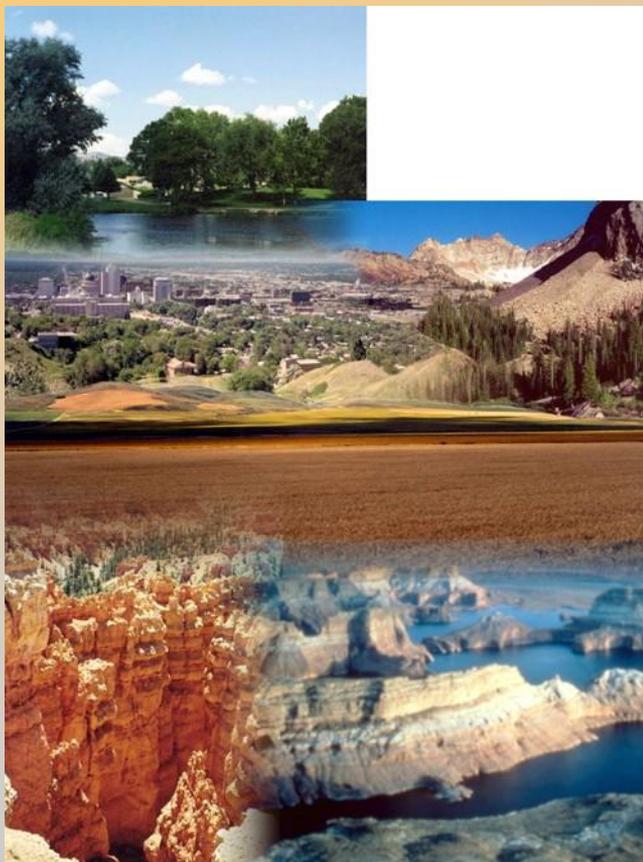
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- ☞ PSD Permitting
- ☞ Major NSR Permitting (Non-attainment)
- ☞ Minor NSR Permitting





# *Prevention of Significant Deterioration (PSD)*



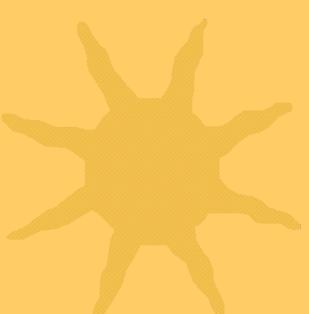
- ☞ Some areas are more pristine than NAAQS
- ☞ Three pollutants
  - ✓ Particulate
  - ✓ Nitrogen Dioxide
  - ✓ Sulfur Dioxide
- ☞ Established Class I and Class II areas
- ☞ Established minimum criteria to be met



# *Non-Attainment Program*

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- ☞ States must identify areas not meeting NAAQS
- ☞ Required to develop a State Implementation Plan (SIP)
- ☞ SIP must demonstrate progress towards attainment of NAAQS
- ☞ Stricter permitting requirements





# *Approval Orders*

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- ☞ Began in 1969
- ☞ Utah Admin Code R307-401
  - ✓ New
  - ✓ Modified
  - ✓ Relocated
- ☞ “. . . will or might reasonably be expected to increase . . . or change the effect of . . . air contaminants discharged . . . .”
- ☞ Small Source Exemptions



# *What an AO Is Not*

- ☞ A zoning mechanism
- ☞ A needs analysis process
- ☞ A mechanism to control nuisances such as
  - ✓ Odors
  - ✓ Noise
  - ✓ Traffic
  - ✓ Others



*THE END*



**Are there any  
questions?**